

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD  
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON  
THURSDAY, MAY 17, 2007 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:55 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Messer, Mr. Blevins, Mr. Zurschmiede and President Larry Kochert. Mr. Schmidt was not present.

**OTHERS:** Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

**ALSO:** John Rosenbarger, Planning and Zoning, Shane Gibson, City Attorney, Anthony B. Toran, Director of City Operations and Mayor James E. Garner, Sr.

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve the regular meeting minutes of May 3, 2007, Mrs. Crump second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**Mickey Thompson, President, Local 1851**, spoke on behalf of A-07-14. He asked that there be some stipulation that some of this money be used for salaries. He explained that they have been to arbitration and it was his opinion that according to the contract the City has to hire employees.

**Valla Ann Bolovshak** stated that she wanted to discuss the appropriation on the agenda for the evening. She discussed the 2006 State Board of Accounts Audit in regards to the funds that were in the red, travel expenses that did not have appropriate documentation filed with the claims, and payroll issues.

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Price** asked if Mrs. Garry could explain the issue with the State Board of Accounts Audit.

**Mrs. Garry** explained that all the issues that were brought up were either fixed or in the process of being fixed. In fact the \$800,000 that they are appropriating tonight is to bring the LRS Fund out of the red and that she brought that to them last year for this purpose and it was tabled. She stated that the payroll issues have been resolved and that the issue with the fire and police command staff pay has been going on for the past 30 years and until this year no one has ever told her that it was wrong.

**COMMUNICATIONS – MAYOR:**

**Mayor Garner** stated that he would like to reiterate what Mrs. Garry said and that they do have a lot of good people working for the City. He stated that not everyone is perfect and mistakes are made, but like Mr. Gibson they admit to the mistake and try to move on from there. He explained that Mrs. Gary has worked extremely hard for the last three years to get the books in order and he is disappointed that they would let someone come up before the board and read the state audit to them like they couldn't review it on their own and they need to follow the rules of the meeting.

**Mr. Coffey** stated that irregardless of what someone has to say they do have the right to come up and say it and they shouldn't be limited to what they can or can't say.

**Mr. Blevins** stated that they started with rules that stipulated that they had to speak to agenda items only and that they only get five minutes and they did not adhere to those

rules with Mrs. Bolovshak. He said they need to have the same rules for every individual at every meeting and this is one of the reasons the council is a laughing stock in the community. He explained that Mrs. Gary has done a good job in the time that she has been here considering the mess she was left from the previous controller and she has straightened a lot of the previous issues out.

**Mr. Price** stated that there is nothing wrong with asking why the receipts don't match and that is their jobs. He said they aren't accusing anyone of anything but these are reasonable questions to ask.

**Mr. Blevins** stated that there is a way to ask a question and a way of accusing someone of something and that is the difference in this case. He said if they have questions they should go to see Mrs. Garry because she has always had an open door for any of his concerns instead of doing this in front of the public.

#### **APPOINTMENTS:**

#### **APPROVAL OF CF-1 FORMS:**

Clark Foods, Inc., (American Beverage) Compliance  
with Statement of Benefits, Referencing R-98-19 (RE & PP)  
R-99-02 (PP), R-00-09 (RE & PP), R-01-29 (PP), R-02-01 (RE)  
R-03-20 (PP)

**Mr. Coffey moved to approve, Mrs. Crump second, all voted in favor.**

Develco Properties, LLC, Compliance With Statement  
Of Benefits, Referencing R-99-12 (RE)

**Mr. Crump moved to approve, Mr. Messer second, all voted in favor.**

General Mills Operations, Inc., Compliance With  
Statement of Benefits, Referencing R-97-23 (RE & PP)

**Mr. Messer moved to approve, Mr. Crump second, all voted in favor.**

Glenn G. Hancock, Compliance With Statement of  
Benefits, Referencing R-98-33 (RE)

#### **TABLED**

PAAR, LLC (Custom Plywood), Compliance With  
Statement of Benefits, Referencing R-04-32 (RE)

**Mr. Messer moved to approve, Mr. Price second, all voted in favor Gahan abstain**

Statement of Benefits, Referencing R-04-33 (RE)  
Carl F. Booth Co., LLC, Compliance With  
Statement of Benefits, Referencing R-99-03 (RE & PP)

**Mr. Crump moved to approve, Mr. Messer second, all voted in favor.**

Robert & Beverly McDonald, LLC, d/b/a McDonald  
Marble & Stone, Compliance With Statement of Benefits  
Referencing R-01-10 and R-03-40 (RE)

**Mr. Coffey moved to approve, Mr. Messer second, all voted in favor.**

#### **INTRODUCTION OF ORDINANCES AND RESOLUTIONS:            READING**

R-07-21      Resolution to Suspend Additional Appropriations to      Gahan  
The Sewer Utility until an Itemized Budget is  
Presented to the Common Council

**Mr. Gahan** asked if the projected budget that was submitted is going to be the document that will meet the requirements of ordinance G-06-39 requiring the sewer board to provide the council with a budget.

**Mr. Kochert** stated that he doesn't know if they will meet the requirements and that this was a list of projects and a budget that was put together to let the council know what they were doing with the money.

**Mr. Gahan** stated that he had asked for a 12 month picture of what the sewer was going to be doing and wanted to know if this was that document.

**Mr. McCormick** stated that they get monthly reports showing the income and expenditures for the utility. He stated that they passed a bare bones increase and it was not enough to fund the projects.

**Mr. Gahan** asked if this budget had been voted on by the board.

**Mr. Kochert** stated that it had not come up for a vote.

**Mr. Zurschmiede** explained that it is impossible to anticipate all the costs for the sewer projects and the best they can do is to give them a projected budget and then work on monthly reports.

**Mr. Gahan** stated that since this proposed budget is what they are going to use as the itemized budget he would like to table this resolution at this time to discuss with other council members to see if this is satisfactory to them.

R-07-22      Resolution Concerning Statement of Benefits for      Blevins  
Globe Mechanical, Inc., By the Common Council  
Of the City of New Albany

**Mr. Blevins moved for the reading of R-07-22, Mr. Coffey second, all voted in favor.**

R-07-23      Resolution of the Common Council of the City of New      Price  
Albany to Adopt and Authorize Submission of the  
CDBG FY2007 One-Year Plan

**Mr. Price moved for the reading of R-07-23, Mr. Messer second, all voted in favor.**

R-07-24      Resolution Concerning Statement of Benefits for      Messer  
T. G. Missouri, By the Common Council  
Of the City of New Albany

**Mr. Messer moved for the reading of R-07-24, Mrs. Crump second, all voted in favor.**

A-07-12      An Ordinance Approving an Additional Appropriation      Zurschmiede 1  
From the Economic Development Income Tax  
(EDIT) Fund

**Mr. Gahan** asked if they could go back and look at the budget for a moment.

**Mr. Zurschmiede** stated that as Mr. Fifer explained earlier there is no intention of taking the sewer utility into a deficit by doing projects before funds are available.

**Mr. Price** stated that there are a lot of variables in that budget that could change.

**Mr. Messer** stated that if they don't do this appropriation they will definitely be in the red.

**Mr. Zurschmiede moved for the first reading of A-07-12, Mr. Coffey second, all voted in favor.**

A-07-13	An Ordinance Approving an Additional Appropriation From the Economic Development Income Tax (EDIT) Fund	Zurschmiede 1
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**Mr. Gahan** reviewed the amounts of money that has been paid out of the EDIT Fund into the Sewer Utility and stated that they have had plenty of help from this fund over the years and it is time for them to start standing on their own.

**Mr. Messer** stated that the City also took quite a bit of money from the Sewer Utility and we were robbing Peter to pay Paul. He asked Mr. Gahan if he would like a Sewer District that operates on its own and take politics out of it.

**Mrs. Crump** said that is exactly what she would like to see happen.

**Mr. Kochert** said that money has been pledged out of the sewer utility many times over the years but when the times comes to put it back it never happens.

**Mr. Zurschmiede** said that is why the Sewer Utility is in the shape that it is, EDIT money was used instead of increases and then the funds were used to do other projects besides fixing the sewers and this has built up over the years.

**Mr. Messer** stated that it was politicians that got it in this mess because they refused to raise the sewer rates.

**Mr. Price** stated that they have one of the highest rates in Southern Indiana

**Mr. Messer** said now they do but that has been just a recent development to correct the past mistakes and now they are playing catch up.

**Mr. Coffey** stated that the Sewer Board was created to get raises for a previous administrations staff and it isn't just the rates, it was mismanagement as well.

**Mr. Zurschmiede moved for the first reading of A-07-13, Mr. Coffey second, all voted in favor except for Mr. Schmidt who was not present.**

A-07-14	An Ordinance Approving an Additional Appropriation From the Economic Development Income Tax (EDIT) Fund	Blevins 1
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**Mr. Blevins moved for the first reading of A-07-14, Mrs. Crump second, all voted in favor except for Mr. Schmidt who was not present.**

A-07-15	An Ordinance Approving an Additional Appropriation From Fire Runs Non-Reverting Fund	Coffey 1
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**Mr. Coffey moved for the first reading of A-07-15, Mr. Price second, all voted in favor except for Mr. Schmidt who was not present.**

A-07-16	An Ordinance Approving an Additional Appropriation From the Drainage Non-Reverting Fund	Coffey 1
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**Mr. Coffey moved for the first reading of A-07-16, Mr. Price second, all voted in favor except for Mr. Schmidt who was not present**

A-07-17	An Ordinance Approving an Additional Appropriation From the Riverboat Fund	Crump 1
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**Mr. Crump moved for the first reading of A-07-17, Mr. Messer second, all voted in favor except for Mr. Schmidt who was not present.**

A-07-18	An Ordinance Approving an Additional Appropriation From the Local Roads and Streets Fund	Price 1
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**Mr. Price moved for the first reading of A-07-18, Mr. Messer second, all voted in favor except for Mr. Schmidt who was not present**

G-07-08	An Ordinance Amending Ordinance G-05-12 A Non- Reverting Animal Control Runs Fund	Crump 1
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**Mr. Messer made a motion to suspend the rules to have all three readings, Mr. Blevins second, all voted in favor**

**Mrs. Crump moved for three reading of G-07-08, Mr. Price second, all voted in favor except for Mr. Schmidt who was not present. Bill G-07-08 becomes Ordinance G-07-20**

G-07-09	An Ordinance to Amend Ordinance No. G-06-02 Establishing Fees for Certain Animal Control Services	Crump 1
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**Mrs. Crump moved to suspend the rules to have all three readings, Mr. Messer second, all voted in favor**

**Mrs. Crump moved for the first reading of G-07-09, Mr. Coffey second, all voted in favor except for Mr. Schmidt who was not present. Bill G-07-09 becomes Ordinance G-07-21**

G-07-10	An Ordinance Amending Ordinance No. G-95-209 Establishing a Spay/Neuter Program for Animals Adopted at the New Albany City Animal Shelter	Crump 1
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**Mrs. Crump moved to suspend the rules to have all three readings, Mr. Price second, all voted in favor**

**Mrs. Crump moved for three readings of G-07-10, Mr. Coffey second, all voted in favor except for Mr. Schmidt who was not present. Bill G-07-10 becomes Ordinance G-07-22**

**Mr. Hall** thanked the council and the City Clerk for their help with these ordinances.

Z-07-08	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156 (Docket P-04-07: Graceland Baptist Church)	Zurschmiede2&3
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**Mr. Zurschmiede moved for the second and third reading of Z-07-08, Mr. Coffey second, all voted in favor except for Mr. Schmidt who was not present. Bill Z-07-08 became Ordinance Z-07-23.**

**MISCELLANEOUS COMMUNICATIONS:** (public comments on non-agenda items)

**Mr. Coffey** stated that there was a report on the news regarding the amount of money spent on take home cars in Louisville and he would like to head up a committee to look into this in their own City.

**Mr. Kochert** asked if he could assign people at the next people.

**Mr. Kochert** stated that he has talked with Mrs. Garry and she will try to have things ready to discuss for the budgets in the middle of June.

**ADJOURN:**

There being no further business before the council, the meeting adjourned at 9:36 p.m.

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Larry Kochert, President  
Common Council, City of New Albany

ATTEST: \_\_\_\_\_  
Marcey Wisman, City Clerk